

CHAPTER 239

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 18-1412

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AN ACT

CONCERNING PROVIDING FUNDING FOR LOCAL EDUCATION PROVIDERS TO IMPLEMENT INITIATIVES TO REDUCE THE TEACHER SHORTAGE IN COLORADO, AND, IN CONNECTION THEREWITH, CREATING THE RETAINING TEACHERS GRANT PROGRAM AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 98 to title 22 as follows:

ARTICLE 98
Teacher Retention in Public Schools

22-98-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) A RECENT STUDY BY THE DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF EDUCATION IDENTIFIED THE EXISTENCE OF A TEACHER SHORTAGE IN COLORADO;

(b) THE STUDY SPECIFICALLY FOUND THAT THE INABILITY TO RETAIN TEACHERS, EITHER IN A SPECIFIC SCHOOL DISTRICT OR PUBLIC SCHOOL OR IN THE PROFESSION, IS A SIGNIFICANT CAUSE OF THE TEACHER SHORTAGE. THE FOUR-YEAR TEACHER ATTRITION RATE FOR PUBLIC SCHOOLS IN COLORADO IS SIXTEEN AND FOUR-TENTHS PERCENT, ABOUT TWO PERCENT HIGHER THAN THE NATIONAL AVERAGE. THE PERCENTAGE OF TEACHERS WHO PLAN TO LEAVE TEACHING IN COLORADO IS ALSO ABOUT TWO PERCENT HIGHER THAN THE NATIONAL AVERAGE.

(c) THE COLORADO TEACHER SHORTAGE STUDY AND OTHER RESEARCH HAVE

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

IDENTIFIED SEVERAL STRATEGIES TO ADDRESS THE ISSUE OF TEACHER RETENTION, INCLUDING PROVIDING ROBUST INDUCTION PROGRAMS AND OTHER SIGNIFICANT SUPPORTS FOR NEW TEACHERS; PROVIDING PEER REVIEW AND MENTORSHIP PROGRAMS BOTH AS SUPPORT FOR NEW TEACHERS AND AS CAREER ADVANCEMENT OPPORTUNITIES FOR EXPERIENCED TEACHERS; ALLOWING FLEXIBILITY IN WORK SCHEDULES TO DECREASE TEACHER-STUDENT CONTACT TIME AND INCREASE TIME FOR PLANNING, COLLABORATING, AND MENTORING; PROVIDING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT AND RECOGNITION FOR EXPERIENCED TEACHERS; AND CREATING CAREER ADVANCEMENT PATHWAYS TO HELP IN RETAINING EXPERIENCED TEACHERS; AND

(d) IMPLEMENTING THESE STRATEGIES REQUIRES FUNDING, AND A STRATEGY THAT MAY BE EFFECTIVE IN ADDRESSING THE ISSUES IN ONE SCHOOL DISTRICT OR PUBLIC SCHOOL MAY NOT BE EFFECTIVE IN ANOTHER SCHOOL DISTRICT OR PUBLIC SCHOOL. BECAUSE EACH SCHOOL DISTRICT AND PUBLIC SCHOOL FACES DIFFERENT CHALLENGES, EACH SCHOOL DISTRICT AND PUBLIC SCHOOL NEEDS THE OPPORTUNITY TO SELECT A STRATEGY THAT WILL BEST MEET THE NEEDS OF THAT SCHOOL DISTRICT OR PUBLIC SCHOOL AND TO RECEIVE FUNDING TO IMPLEMENT THAT STRATEGY.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT, TO SIGNIFICANTLY DECREASE THE TEACHER SHORTAGE IN COLORADO AND SUPPORT SCHOOL DISTRICTS AND PUBLIC SCHOOLS THAT DEMONSTRATE BOTH TEACHER SHORTAGES AND THE NEED FOR FINANCIAL ASSISTANCE TO ADDRESS THE SHORTAGES, IT IS NECESSARY TO ESTABLISH A GRANT PROGRAM FOR SCHOOL DISTRICTS, PUBLIC SCHOOLS, AND BOARDS OF COOPERATIVE SERVICES THAT OPERATE PUBLIC SCHOOLS THAT WILL PROVIDE FUNDING TO THEM TO IMPLEMENT A WIDE VARIETY OF LOCALLY APPROPRIATE OPTIONS TO IMPROVE THEIR ABILITY TO SUCCESSFULLY RETAIN TEACHERS.

22-98-102. Definitions. AS USED IN THIS ARTICLE 98, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD OF COOPERATIVE SERVICES" MEANS A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

(3) "FUND" MEANS THE RETAINING TEACHERS FUND CREATED IN SECTION 22-98-104.

(4) "GRANT PROGRAM" MEANS THE RETAINING TEACHERS GRANT PROGRAM CREATED IN SECTION 22-98-103.

(5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES THAT OPERATES A PUBLIC SCHOOL, A CHARTER SCHOOL THAT IS AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, OR AN INSTITUTE CHARTER SCHOOL THAT IS AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

(6) "POSTSECONDARY INSTITUTION" MEANS AN AREA TECHNICAL COLLEGE, A

LOCAL DISTRICT COLLEGE, OR A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102.

(7) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT IS ORGANIZED AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A LOCAL COLLEGE DISTRICT.

(8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-98-103. Retaining teachers grant program - created - applications - rules.

(1) THERE IS CREATED IN THE DEPARTMENT OF EDUCATION THE RETAINING TEACHERS GRANT PROGRAM TO ASSIST LOCAL EDUCATION PROVIDERS IN RETAINING TEACHERS BY IMPLEMENTING ONE OR MORE OF THE INITIATIVES DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM BY REVIEWING GRANT APPLICATIONS AND RECOMMENDING GRANT RECIPIENTS AND THE AMOUNT OF EACH GRANT TO THE STATE BOARD. SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD, TAKING INTO ACCOUNT THE RECOMMENDATIONS OF THE DEPARTMENT, SHALL AWARD THE GRANTS FROM MONEY APPROPRIATED TO THE FUND. EACH GRANT CONTINUES FOR UP TO THREE YEARS, SUBJECT TO REVIEW BY THE DEPARTMENT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION.

(2) THE STATE BOARD SHALL AWARD GRANTS THROUGH THE GRANT PROGRAM TO IMPLEMENT ONE OR MORE OF THE FOLLOWING INITIATIVES THAT ARE DESIGNED TO IMPROVE THE ABILITY OF A LOCAL EDUCATION PROVIDER TO RETAIN TEACHERS:

(a) JOB-SHARING FOR TEACHERS;

(b) PROVIDING ON-SITE EARLY CHILDHOOD CARE SERVICES FOR FAMILY MEMBERS OF EDUCATORS;

(c) ROBUST TEACHER INDUCTION PROGRAMS FOR NEW TEACHERS;

(d) PEER REVIEW AND MENTORSHIP PROGRAMS AND OTHER CAREER DEVELOPMENT AND ADVANCEMENT STRATEGIES;

(e) PROGRAMS TO PROVIDE PROFESSIONAL DEVELOPMENT FOR THE CREATION AND IMPLEMENTATION OF CAREER ADVANCEMENT PATHWAYS FOR MASTER TEACHER AND TEACHER LEADERSHIP POSITIONS FOR EFFECTIVE TEACHERS;

(f) INCENTIVE PROGRAMS TO RECOGNIZE AND RETAIN HIGHLY EFFECTIVE TEACHERS;

(g) REDUCED TEACHER-STUDENT CONTACT HOURS AND INCREASED PLANNING, MENTORING, AND COLLABORATION TIME FOR NEW TEACHERS AND MENTOR TEACHERS; AND

(h) INCREASED USE OF TECHNOLOGY IN BLENDED LEARNING INITIATIVES TO CREATE OPPORTUNITIES AND FINANCIAL INCENTIVES FOR TEACHER DEVELOPMENT AND CAREER ADVANCEMENT AND COST SAVINGS TO SUPPORT SALARY INCREASES.

(3) (a) A LOCAL EDUCATION PROVIDER MAY APPLY TO THE GRANT PROGRAM BY SUBMITTING AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE RULES ADOPTED BY THE STATE BOARD. AT A MINIMUM, THE APPLICATION MUST INCLUDE:

(I) EVIDENCE DESCRIBING THE LEVEL OF DIFFICULTY THAT THE APPLICANT ENCOUNTERS IN RETAINING TEACHERS, THE SPECIFIC REASONS FOR THE DIFFICULTY, AND A SPECIFIC ACCOUNTING OF THE GRADE LEVELS AND SUBJECTS FOR WHICH THE APPLICANT IS UNABLE TO RETAIN TEACHERS;

(II) AN ACCOUNTING OF THE EXISTING MONETARY OR OTHER RESOURCES AVAILABLE TO THE APPLICANT TO USE IN IMPLEMENTING INITIATIVES TO RETAIN TEACHERS;

(III) A DESCRIPTION OF THE INITIATIVE TO RETAIN TEACHERS THAT THE APPLICANT INTENDS TO IMPLEMENT USING THE GRANT AND HOW THE INITIATIVE IS DESIGNED TO ADDRESS THE SPECIFIC ISSUES CAUSING THE DIFFICULTY WITH RETAINING TEACHERS;

(IV) THE SPECIFIC, MEASURABLE GOALS THAT THE APPLICANT EXPECTS TO ACHIEVE IN IMPLEMENTING THE INITIATIVE AND HOW THE APPLICANT EXPECTS TO MEASURE ATTAINMENT OF THE GOALS; AND

(V) THE COST OF IMPLEMENTING THE INITIATIVE AND THE APPLICANT'S PLAN FOR SUSTAINING THE INITIATIVE AFTER THE GRANT MONEY IS NO LONGER AVAILABLE.

(b) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO PARTNER WITH OTHER LOCAL EDUCATION PROVIDERS OR WITH ONE OR MORE POSTSECONDARY INSTITUTIONS TO APPLY FOR A GRANT. AT THE REQUEST OF A LOCAL EDUCATION PROVIDER, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE IN WRITING THE GRANT APPLICATION AND IN COMPLYING WITH THE ANNUAL REVIEW REQUIREMENTS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(4) IN RECOMMENDING AND SELECTING GRANT RECIPIENTS, THE DEPARTMENT AND THE STATE BOARD SHALL PRIORITIZE THE APPLICANTS BASED ON THE DEMONSTRATION OF A HIGH NUMBER OF POSITIONS FOR WHICH AN APPLICANT IS UNABLE TO RETAIN TEACHERS AND EVIDENCE OF A HIGH RATE OF TEACHER TURNOVER IF THE APPLICANT IS A LOW-PERFORMING SCHOOL OR WITHIN THE LOW-PERFORMING SCHOOLS OPERATED BY THE APPLICANT. IN ADDITION, THE DEPARTMENT AND THE STATE BOARD, AT A MINIMUM, SHALL CONSIDER:

(a) THE APPLICANT'S CAPACITY TO SUCCESSFULLY IMPLEMENT THE PROPOSED INITIATIVE AND THE LIKELIHOOD THAT THE PROPOSED INITIATIVE WILL INCREASE THE APPLICANT'S ABILITY TO RETAIN TEACHERS;

(b) THE COST-EFFECTIVENESS AND QUALITY OF THE PROPOSED INITIATIVE; AND

(c) THE APPLICANT'S PLAN FOR SUSTAINING IMPLEMENTATION OF THE INITIATIVE AFTER THE GRANT MONEY IS NO LONGER AVAILABLE.

(5) EACH GRANT RECIPIENT SHALL USE THE GRANT MONEY TO SUPPLEMENT, NOT SUPPLANT, RESOURCES THAT THE GRANT RECIPIENT APPLIES TO TEACHER RETENTION INITIATIVES BEFORE RECEIVING THE GRANT. IT IS THE INTENT OF THE GENERAL

ASSEMBLY THAT EACH GRANT RECIPIENT USE THE GRANT MONEY FOR NEW TEACHER RETENTION INITIATIVES OR TO EXPAND EXISTING TEACHER RETENTION INITIATIVES, AS DESCRIBED IN THIS SECTION.

(6) (a) EACH GRANT AWARDED THROUGH THE GRANT PROGRAM CONTINUES FOR THREE BUDGET YEARS, SUBJECT TO ANNUAL REVIEW BY THE DEPARTMENT AND RENEWAL BY THE STATE BOARD. THE DEPARTMENT SHALL ANNUALLY REVIEW THE PROGRESS ACHIEVED BY EACH GRANT RECIPIENT IN ATTAINING THE GOALS OF THE INITIATIVE FUNDED BY THE GRANT AND RECOMMEND TO THE STATE BOARD THAT THE GRANT BE EXTENDED OR REVOKED. TAKING INTO CONSIDERATION THE RECOMMENDATIONS OF THE DEPARTMENT, THE STATE BOARD SHALL EXTEND THE GRANT ONLY IF THE STATE BOARD DETERMINES THAT THE GRANT RECIPIENT IS MAKING ADEQUATE PROGRESS TOWARD ACHIEVING THE GOALS OF THE INITIATIVE.

(b) THE DEPARTMENT SHALL MONITOR AND, IF NECESSARY, AUDIT, EACH GRANT RECIPIENT'S USE OF THE GRANT MONEY TO IMPLEMENT THE FUNDED INITIATIVE. THE GRANT RECIPIENT SHALL SUBMIT INFORMATION CONCERNING THE USE OF THE GRANT MONEY TO THE DEPARTMENT AS REQUIRED BY STATE BOARD RULE.

(c) THE DEPARTMENT SHALL PROVIDE INFORMATION TO THE LOCAL EDUCATION PROVIDERS CONCERNING THE GRANT PROGRAM, THE REQUIREMENTS FOR APPLYING FOR A GRANT, THE INITIATIVES THAT A LOCAL EDUCATION PROVIDER MAY IMPLEMENT USING GRANT MONEY, AND THE AVAILABILITY OF ASSISTANCE IN WRITING GRANT APPLICATIONS.

(7) THE STATE BOARD SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM. IN PROMULGATING RULES FOR REPORTING INFORMATION CONCERNING THE USE OF GRANT MONEY, THE STATE BOARD SHALL ENSURE THAT THE REPORTING REQUIREMENTS ARE AS MINIMAL AND EFFICIENT FOR GRANT RECIPIENTS AS POSSIBLE TO IMPLEMENT THE GRANT PROGRAM.

22-98-104. Retaining teachers fund - created. (1) THE RETAINING TEACHERS FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(3) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO IMPLEMENT THE GRANT PROGRAM. IN EACH BUDGET YEAR, THE DEPARTMENT MAY USE UP TO TWO PERCENT OF THE AMOUNT APPROPRIATED TO THE FUND FOR THE DIRECT COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM, INCLUDING ANY COSTS INCURRED IN PROVIDING TECHNICAL SUPPORT TO LOCAL EDUCATION PROVIDERS AS PROVIDED IN SECTION 22-98-103 (3)(b).

(4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2022, TO THE GENERAL FUND.

22-98-105. Report. (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR BEFORE JANUARY 15, 2019, AND ON OR BEFORE JANUARY 15 EACH YEAR

THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE STATE BOARD, THE JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING IMPLEMENTATION OF THE GRANT PROGRAM. AT A MINIMUM, THE REPORT MUST INCLUDE:

- (a) THE NAME OF EACH GRANT RECIPIENT AND THE AMOUNT OF EACH GRANT;
- (b) A DESCRIPTION OF THE INITIATIVE TO BE IMPLEMENTED WITH EACH GRANT AND A REPORT OF THE PROGRESS MADE BY EACH GRANT RECIPIENT IN ACHIEVING THE GOALS OF THE INITIATIVE;
- (c) FOR THE REPORTS SUBMITTED IN 2021 AND 2022, AN EVALUATION OF THE EFFECT OF THE GRANT PROGRAM IN IMPROVING TEACHER RETENTION BY LOCAL EDUCATION PROVIDERS AND IN REDUCING THE OVERALL TEACHER SHORTAGE IN THE STATE;
- (d) ANY RECOMMENDATIONS FOR LEGISLATIVE CHANGES TO IMPROVE THE EFFECTIVENESS OF THE GRANT PROGRAM; AND
- (e) FOR THE REPORT SUBMITTED IN 2022, A RECOMMENDATION CONCERNING WHETHER TO CONTINUE THE GRANT PROGRAM.

22-98-106. Repeal of article. THIS ARTICLE 98 IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 2. Appropriation. For the 2018-19 state fiscal year, \$3,000,000 is appropriated to the retaining teachers fund created in section 22-98-104, C.R.S., for use by the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation to implement the retaining teachers grant program created in article 98 of title 22, C.R.S.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 24, 2018